

02-28-08

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Total Number of Pages in This Submission

16

Application Number

10/757,255

Filing Date

January 14, 2004

First Named Inventor

Dean Joseph Ippolito

Art Unit

2833

Examiner Name

Sean Kayes

Attorney Docket Number

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

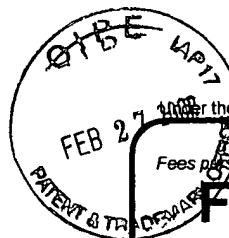
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Signature	<i>Geoffrey Gelman</i>		
Printed name	Geoffrey Gelman		
Date	Feb. 27, 2008	Reg. No.	51,727

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Geoffrey Gelman</i>		
Typed or printed name	Geoffrey Gelman	Date	Feb 27, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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# FEE TRANSMITTAL

## For FY 2008

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
**255**

### Complete if Known

Application Number	10/757,255
Filing Date	January 14, 2004
First Named Inventor	Dean Joseph Ippolito
Examiner Name	Sean Kayes
Art Unit	2833
Attorney Docket No.	

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
210	105
370	185

Total Claims Extra Claims Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x =

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

Fees Paid (\$)

255

#### SUBMITTED BY

Signature	<u>Geoffrey Gelman</u>	Registration No. (Attorney/Agent)	51,727	Telephone	617-909-2066
Name (Print/Type)	Geoffrey Gelman	Date	Feb 27, 2008		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Application No. 10/757,255  
Art Unit 2833

*PATENT APPEAL*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants: Dean J. Ippolito, Geoffrey M.  
Gelman

Group Art Unit: 2833

Examiner: Sean Kayes

Application No.: 10/757,255

**APPEAL BRIEF**

Filed: January 14, 2004

For: GAME TIMER WITH INCREASED  
VISIBILITY

**BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action mailed August 27, 2007, rejecting claims 1, 3-5, 7, 8, 10-14, and 16-20.

02/28/2008 CNEGA1 00000016 10757255

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## **REAL PARTY IN INTEREST**

The present application is owned by the inventors, Dean Ippolito and Geoffrey Gelman.

## **RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known to Appellants, or Appellants' legal representative, which will directly affect, be directly affected by or have a bearing on the Board's decision in the pending appeal.

## **STATUS OF CLAIMS**

Claims 1, 3-5, 7, 8, 10-14, and 16-20 are pending in the present application. Of these, only claims 3-5, 7, 8, 10-13, and 16-20 are being appealed.

Claims 1, 3-5, 7-8, and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by:

- Electro-Mech Scoreboard Co. Manual 2650-4 :: [electro-mech.com/Manuals/2650-4.pdf](http://electro-mech.com/Manuals/2650-4.pdf); Oct 5, 2004 (Item U on PTO-892 of the Third Office Action mailed April 20, 2007) ("Electro-Mech")

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over:

- Electro-Mech.

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- U.S. Patent Application No. 20020093882 to Garlock ("Garlock")
- U.S. Patent No. 5615880 to Booth ("Booth")
- U.S. Patent No. 3878675 to Prociuk ("Prociuk")

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- Electro-Mech
- U.S. Patent No. 4567461 to Honekman ("Honekman")

Claims **3 and 11-12** stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- Garlock
- Electro-Mech

Claims **16-18** stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- Garlock
- U.S. Patent No. 5125666 to Adams ("Adams")
- U.S. Patent No. 4363489 to Chodak ("Chodak")

Claim **19** stands rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- Garlock
- Adams
- Chodak
- Electro-Mech

Claim **16 and 20** stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of:

- Garlock
- Applicants' disclosure
- U.S. Patent No. 5305290 to Yoo ("Yoo")

Applicants are appealing claims: 3, 4, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20.

## STATUS OF AMENDMENTS

No Amendments were filed subsequent to final rejection.

## SUMMARY OF INVENTION

Applicants' claimed subject matter generally pertains to a device for displaying information about a game. An example such device is a chess clock that displays times remaining for each player in the chess game. In particular, Applicants' claimed subject matter pertains to a device for displaying information about a game where information is displayed in two or more different directions. See, for example, Applicants' figure 3, and Applicants' specification page 9, line 34 to page 10, line 2.

### *Summary of independent claim 3*

Independent claim 1 pertains to a device that displays a first time remaining for a first player in a game and a second time remaining for a second player in the game. In particular, the first time is displayed in two different directions, and the first time is itself displayed in two different fonts (i.e., when the first time is displayed in one direction, it is displayed in a first font, and when the same first time is displayed in another direction, it is displayed in a second, different font). See, for example, Applicants' specification, page 16, line 34, through the first 4 words of page 17. For a discussion of font, see Applicants' specification, page 18, lines 19 – 22. See also Applicants' specification, page 18, line 28 through page 19, line 6.

### *Summary of independent claim 16*

Independent claim 16 pertains to a device that stores times remaining for each of four players of a game. The device has four displays and each of the four displays can simultaneously display two of the times remaining. For example, a given display can simultaneously display a first time remaining for a first player and a second time remaining for a second player. The device further includes four clock buttons, such that each clock button can halt the reduction of one of the times remaining and initiate the reduction of another of the times remaining. For example, a first player whose time is

elapsing may press one of the clock buttons (e.g., after completing his turn in a game), thereby stopping the reduction of his own time and starting the reduction of the time of a second player (e.g., a second player whose turn it is now). See, for example, Applicants' figure 20 and Applicants' specification page 33, line 13 through page 35, line 12, but particularly page 34, line 28 through page 35, line 4.

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

### *Issues*

Whether claims 3-5, 7-8 and 10 are unpatentable under 35 U.S.C. 102(b) over Electro-Mech.

Whether claims 3 and 11-12 are unpatentable under 35 U.S.C. 103(a) over the combination of Garlock and Electro-Mech.

Whether claim 13 is unpatentable under 35 U.S.C. 103(a) over the combination of Electro-Mech and Honekman.

Whether claims 16-18 are unpatentable under 35 U.S.C. 103(a) over the combination of Garlock, Adams and Chodak.

Whether claim 19 is patentable under 35 U.S.C. 103(a) over the combination of Garlock, Adams, Chodak, and Electro-Mech.

Whether claims 16 and 20 are unpatentable under 35 U.S.C. 103(a) over the combination of Garlock, Applicants' disclosure, and Yoo.

### *Grouping of claims:*

The claims in different groups do not stand and fall together.

Applicants group the pending claims as follows:

Group I: claims 3-5, 7-8, 10-13

Group II: claims 16-19

Group III: claim 20

Applicants believe that the claims in the different groups are separately patentable, as explained in the following arguments section.

## ARGUMENTS

### *Group 1: Claims 3-5, 7-8 and 10-13*

The Examiner has rejected claim 3 as anticipated by Electro-Mech. However, Electro-Mech does not teach Applicants' limitations of a device which has:

“a first display for displaying the first amount of time in a first font, the first display rigidly attached to the chassis and coupled to the first memory;  
a second display for displaying the first amount of time in a second font, the second display rigidly attached to the chassis and coupled to the first memory, in which the second display faces in a different direction from that of the first display, and in which the second font is different from the first font”

While Electro-Mech includes different displays with differing font sizes, the *same* information is not displayed in two different fonts on two different displays (see Electro-Mech Figure 1, page 5). For example, in Electro-Mech, the same information that is displayed under “Home” in one display would not be displayed under “Fouls” in a different display. Rather the information that is displayed under “Home” in one display would be displayed under “Home” in another display, and therefore would always be displayed in the same font size.

The Examiner has further rejected claim 3 over the combination of Electro-Mech and Garlock. The Examiner states that is its “well within the scope of one of ordinary skill in the art to vary font by size and style to indicate different information or to achieve a different design according to aesthetic priorities/desires.” However, this is not what Applicants' claim limitations state. Applicants' claims describe the *same* information



being displayed in different fonts. Further, although the Examiner has indicated that different font sizes are used to achieve aesthetic priorities, there is no indication given of whether such different font sizes would be used to display the same information in two different directions, and how doing so would achieve these aesthetic priorities.

As claims 4-5, 7-8 and 10-13 are dependent on claim 3, Applicants submit that such claims should stand if claim 3 stands.

*Group II, Claims 16-19*

The Examiner has rejected claims 16-18 as being unpatentable over the combination of Garlock, Adams, and Chodak. None of the three references, however, teach the limitation of a “display that is operable to simultaneously display two of the times remaining”. Garlock at paragraph 37 refers to “display screens” in the plural, indicating that the device of Garlock uses two display screens for two times remaining (i.e., one time remaining per display screen). There is no suggestion or motivation to believe that the device of Garlock, even in view of the teachings of Adams and Chodak, would be modified to include Applicants’ limitation of “four displays, in which each display is operable to simultaneously display two of the times remaining”.

Further, the device of Chodak modified to time a four-player version of chess, as in Adams, would make no sense. The chessboard in Figure 1 of Adams has four sides and presumably one player would be at each side during the game. Therefore, the only sensible place for the device of Chodak (see Chodak figure 1) to be placed in order to have a display facing each player would be at the center of the board. However, placing the device at the center of the board would obviously interfere with the game. Therefore, there could not be a motivation to create such a device if it would not work with the game of Adams.

The Examiner had some further grounds of rejection of claim 16 which are addressed below with respect to claim 20.

As claims 17-19 are dependent on claim 16, Applicants submit that such claims should stand if claim 16 stands.

*Group III: Claim 20*

The Examiner has rejected claims 16 and 20 over the combination of Garlock, Applicants' disclosure, and Yoo. The Examiner states that combining two of Garlock's devices into a single housing would meet the limitations of Applicants' claim 20 (and 16) and further notes that it is "notoriously well known to house multiple devices in a single housing". Applicants do not necessarily agree that combining two devices into a single housing is notoriously well known.

However, in any event, simply combining two different devices into the same housing would not allow a display from one of two combined devices to "simultaneously display two of the times remaining" if any of such times were stored on the other of two combined devices. In other words, if two of Garlock's devices were simply attached together, there would be no way for one of Garlock's devices to display a time remaining from the other of Garlock's devices because there would be no interaction between the two. While it is possible that each display of Garlock's two devices would display the two times stored on that device, this would make no practical sense since both displays (according to figure 1 in Garlock) are facing in the same direction and would therefore be redundant. Applicants' claimed invention derives utility from displaying the same two times remaining on two displays which are facing in different directions. This allows, among other things, partners in a game of bughouse to see both their own and their partners' times at the same time (see Applicants' specification, page 34, line 28 through page 35, line 4).

Therefore, Applicants' device from claim 20 (and claim 16) is not simply a combination of two separate devices.

**CLAIMS APPENDIX**

3. A device for keeping time comprising:
  - a single rigid chassis;
  - a first memory for storing a first amount of time remaining for a first player of a game, the first memory attached to the chassis;
  - a first display for displaying the first amount of time in a first font, the first display rigidly attached to the chassis and coupled to the first memory;
  - a second display for displaying the first amount of time in a second font, the second display rigidly attached to the chassis and coupled to the first memory,
    - in which the second display faces in a different direction from that of the first display, and in which the second font is different from the first font;
  - a second memory storing a second amount of time remaining for a second player of the game, the second memory attached to the chassis;
  - a third display for displaying the second amount of time, the third display rigidly attached to the chassis and coupled to the second memory; and
  - a fourth display for displaying the second amount of time, the fourth display rigidly attached to the chassis and coupled to the second memory.
4. The device of claim 3, in which the second display faces in a direction opposite that of the first display.
5. The device of claim 3, in which the first display and the third display are the same display, and in which this same display displays the first amount of time at a first location on the display and the second amount of time at a second location on the display.
7. The device of claim 3, in which the first memory and the second memory are the same memory, and in which this same memory stores the first amount of time in a first location in the memory and the second amount of time in a second location in the memory.

8. The device of claim 3, in which the first memory is a semiconductor memory.
10. The device of claim 3, in which the first display is at least one of:
- (a) a liquid crystal display;
  - (b) a dot matrix display;
  - (c) a diode display;
  - (d) a light emitting diode display;
  - (e) an organic light emitting diode display;
  - (f) a cathode ray tube; and
  - (e) a projection display.
11. The device of claim 3 further including:
- a signal generator for generating a timing signal, the signal generator coupled to the first memory and to the second memory;
  - a first button for signaling a first play in the game, the first button attached to the chassis and coupled to the first memory and to the second memory; and
  - a second button for signaling a second play in the game, the second button attached to the chassis and coupled to the first memory and to the second memory,
- in which:
- the first memory is operative to reduce the first amount of time remaining upon receipt of signals from the second button;
  - the first memory is operative to stop reducing the first amount of time remaining upon receipt of signals from the first button;
  - the second memory is operative to reduce the second amount of time remaining upon the receipt of signals from the first button;
  - the second memory is operative to stop reducing the second amount of time remaining upon receipt of signals from the second button;
  - the motion of the first button with respect to the chassis is constrained to one dimension; and
  - the motion of the second button with respect to the chassis is constrained to one dimension.

12. The device of claim 3, further including a processor, the processor attached to the chassis and operative to:

- direct the first memory to reduce the first amount of time remaining;
- direct the second memory to reduce the second amount of time remaining;
- direct the first memory to stop reducing the first amount of time remaining;
- direct the second memory to stop reducing the second amount of time remaining;
- direct the first display to display the first amount of time; and
- direct the second display to display the first amount of time.

13. The device of claim 3, further including a microphone for receiving voice inputs, in which the microphone is electrically coupled to the first memory.

16. A device comprising:

- a body;
- a memory, the memory including four memory locations,
  - in which each of the four memory locations stores a time remaining for a different one of four players;
  - exactly four clock buttons, each of which, when pressed, halts the reduction of a first one of the times remaining stored in a first one of the four memory locations, and initiates the reduction of a second one of the times remaining stored in a second one of the four memory locations; and
  - four displays, in which each display is operable to simultaneously display two of the times remaining,
  - in which the memory, each of the four clock buttons, and each of the four displays are attached to the body.

17. The device of claim 16, in which a first of the four displays is attached to a first face of the body and a second of the four displays is attached to a second face of the body, in which the first face is different from the second face.

18. The device of claim 17, in which the first of the four displays displays two of the times remaining and in which the second of the four displays, simultaneously to the first display, displays the same two times remaining.

19. The device of claim 16 in which the two times remaining on a given display are displayed in different fonts.

20. The device of claim 16, with the four clock buttons referred to as A, B, C, and D, and with the four memory locations referred to as w, x, y, and z, in which:

clock button A, when pressed, halts the reduction of the time remaining stored in memory location w, and initiates the reduction of the time remaining stored in memory location x;

clock button B, when pressed, halts the reduction of the time remaining stored in memory location x, and initiates the reduction of the time remaining stored in memory location w;

clock button C, when pressed, halts the reduction of the time remaining stored in memory location y, and initiates the reduction of the time remaining stored in memory location z;

clock button D, when pressed, halts the reduction of the time remaining stored in memory location z, and initiates the reduction of the time remaining stored in memory location y;

neither clock button A nor clock button B has any effect on times remaining in memory locations y and z; and

neither clock button C nor clock button D has any effect on times remaining in memory locations w and x.

#### **EVIDENCE APPENDIX**

Applicants are presenting no evidence.

#### **RELATED PROCEEDINGS APPENDIX**

Applicants have not identified any related proceedings.

**CONCLUSION**

Applicants respectfully submit the present appeal brief for consideration and respectfully request, for the reasons given above, that the appealed rejections be overturned. If the Examiner or the Board has any questions, they are cordially requested to contact Geoffrey M. Gelman at telephone number (617) 909-2066 or via electronic mail at gmgelman@gmail.com.

Respectfully submitted,

February 27, 2008  
Date

  
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